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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,451	01/26/2001	Masanori Wakai	35.G2720	5447
5514	7590	08/19/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			NGUYEN, JENNIFER T	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2674

12

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,451

Applicant(s)

WAKAI ET AL.

Examiner

Jennifer T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 153 and 155 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 153 and 155 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to amendment filed on 04/08/2004.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 153, and 155 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasutake (U.S. Patent No. 5,483,261).

Regarding claims 1, 153, and 155, referring to Figs. 1-6, Yasutake teaches a position information processing apparatus (135) for processing position information comprising: designated position detector means (i.e., CCD camera 210) for detecting a plurality of concurrently designated positions (i.e., control object 410, 415) at a current (i.e., new control object time) and preceding time (i.e., previous control object time); identifying means (i.e., computer 250) for identifying a corresponding designated position from the plurality of designated positions detected at the preceding time for each of the plurality of designated positions detected at the current time (from col. 3, line 41 to col. 4, line 23, from col. 5, line 42 to col. 7, line 5).

Yasutake differ from claims 1, 153, and 155 in that he does not specifically teach travel path recognizer means for recognizing respective travel paths of the plurality of designated positions by recognizing a travel path from each of the plurality of designated positions detected at the preceding time to the corresponding one of the plurality of designated positions detected at

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the current time. However, Yasutake suggests that the computer (250) can calculate the distance between all old objects detected at the previous time (before moving the fingers) and corresponding all new objects (that have newly appeared). Therefore, it would have been obvious to obtain travel path recognizer means for recognizing respective travel paths of the plurality of designated positions by recognizing a travel path from each of the plurality of designated positions detected at the preceding time to the corresponding one of the plurality of designated positions detected at the current time in order to provide interactive graphical user interface and perform an operation.

Regarding claim 2, Yasutake further teaches the identifying means (i.e., computer 250) identifies one of the plurality of designated positions detected at the preceding time (i.e., previous control objects 410, 415), closest to each of the plurality of designated positions detected at the current time (i.e., corresponding all new objects), as the corresponding designated position to the designated position detected at the current time (from col. 3, line 41 to col. 4, line 23, from col. 5, line 42 to col. 7, line 5).

Regarding claim 3, Yasutake further teaches a designated-area detector means (i.e., CCD camera 210) for detecting an area (i.e., area of touch point) of a designated position, wherein the identifying means (i.e., computer 250) identifies one of the plurality of designated positions detected at the preceding time, having an area closest to the area of each of the plurality of designated positions detected at the current time, as the corresponding designated position to the designated position detected at the current time (from col. 3, line 41 to col. 4, line 23, from col. 5, line 42 to col. 7, line 5).

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Regarding claim 4, Yasutake further teaches the designated position detector means (210) is a touch-panel-type detector means (from col. 3, line 41 to col. 4, line 23).

Regarding claim 5, Yasutake further teaches the designated position detector means (210) comprises: an image-pickup means (inside to CCD) for picking up a scene in which an operator designates a position; and a designated-position recognizer means (inside to CCD) for recognizing the designated position from the image of the scene picked up by the image-pickup means (from col. 3, line 41 to col. 4, line 23).

Regarding claim 6, Yasutake further teaches the designated position detector means detects the position of a fingertip of an operator (col. 4, lines 1-30).

Response to Arguments

4. Applicants' arguments filed 04/08/2004, have been fully considered but they are not persuasive because as follows:

In response to applicants' argument filed "Yasutake is not seen to disclose or suggests recognizing a travel path from each of the plurality of designated positions detected at the preceding time to the corresponding one of the plurality of designed positions detected at the current time". Examiner disagreed because Yasutake suggests that the computer (250) can calculated the distance between all old objects detected at the previous time (before moving the fingers) and corresponding all new objects (that have newly appeared). Accordingly, Yasutake teaches the travel path from each of the plurality of designated positions detected at the preceding time to the corresponding one of the plurality of designated positions detected at the current time (Figs. 4a and 4b, from col. 5, line 42 to col. 7, line 5).

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Therefore, it is believed that the limitations of claims 1-6, 153, and 155 are still met by Yasutake and the rejection is maintained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225**. The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to: 703-872-9306 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is 703-306-0377.

JNguyen
08/13/2004


REGINA LIANG
PRIMARY EXAMINER